

Entered - 08/28/00 - sb  
CL00L0515 - DIANNE C. MITCHELL

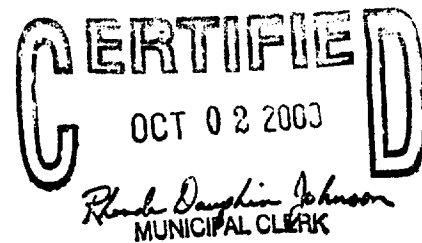
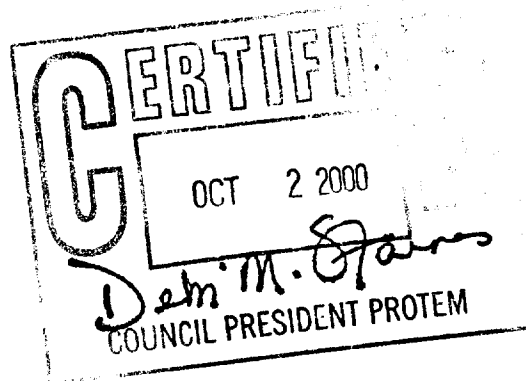
CLAIM OF: **LADARIUS D. BROOKS,**  
through his attorney,  
David V. Levy  
741 Piedmont Avenue, NE  
Suite 700  
Atlanta, Georgia 30308

**00-R-1516**

For damages alleged to have been sustained as a result of a personal injury  
on property belonging to the Atlanta Board of Education on March 6, 2000  
at the Venetian Hills Elementary School.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY *by RW6*



ADVERSED BY  
CITY COUNCIL OCT 02 2000

**CONSENT AGENDA**



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

October 10, 2000

David Levy  
Attorney at Law  
741 Piedmont Ave., NE  
Suite 700  
Atlanta, GA 30308

00-R-1516

RE: Ladarius D. Brooks

Dear Attorney Levy:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on October 02, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 00L0515

Date: September 5, 2000

Claimant /Victim LADARIUS D. BROOKS  
BY: (Atty.) David V. Levy  
Address: 741 Piedmont Road, NE, Suite 700, Atlanta, Georgia 30308  
Subrogation: X Claim for Property damage \$                      Bodily Injury \$ not stated  
Date of Notice: 08/28/00 Method: Written, proper X Improper                       
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 03/6 /00 Place: Venetian Hills Elementary School  
Department                      Division:                       
Employee involved                      Disciplinary Action:                     

NATURE OF CLAIM: The claimant alleges he was injured while on property belonging to the Atlanta Board of Education. The Atlanta Board of Education is a separate legal entity from the City of Atlanta. The claimant's attorney has been advised to pursue this claim with the Atlanta Board of Education.

**INVESTIGATION:**

Statements: City employee                      Claimant                      Others                      Written                      Oral                       
Pictures                      Diagrams                      Reports: Police                      Dept Report                      Other                       
Traffic citations issued: City Driver                      Claimant Driver                       
Citation disposition: City Driver                      Claimant Driver                     

**BASIS OF RECOMMENDATION:**

Function: Governmental                      Ministerial                       
Improper Notice                      More than Six Months                      Other                      Damages reasonable                       
City not involved X Offer rejected                      Compromise settlement                       
Repair/replacement by Ins. Co.                      Repair/replacement by City Forces                       
Claimant Negligent                      City Negligent                      Joint                      Claim Abandoned                     

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

**RECOMMENDATION:**

Pay \$                      Adverse X Account charged: 1A01                      2J01                      2H01                       
Claims Manager:  Concur/date 09-05-00  
Committee Action:                      Council Action

**LEVY & ZEEWY, LLC**  
A LIMITED LIABILITY COMPANY  
ATTORNEYS AT LAW

741 Piedmont Ave. N.E.  
Suite 700  
Atlanta, Georgia 30308

*Michael*  
*08/28/00*  
*[Signature]*

DAVID V. LEVY  
GADY C. ZEEWY

Telephone (404) 815-4815  
Facsimile (404) 876-3909

August 23, 2000

**CERTIFIED MAIL NO.**  
**7000-0600-0028-4283-7212**  
**RETURN RECEIPT REQUESTED**

City of Atlanta  
55 Trinity Avenue, Suite 2400  
Atlanta, Georgia 30335

Attn: Hon. William Campbell, Mayor

**ENTERED - 8-28-00 - SB**  
**00L0515 - DIANNE MITCHELL**  
**CERTIFIED MAIL NO.**  
**7000-0600-0028-4283-7205**  
**RETURN RECEIPT REQUESTED**

Atlanta Public Schools  
210 Pryor Street  
Atlanta, Georgia 30335

Attn: Dr. Beverly Hall, Superintendent

Re: **Notice of Claim**  
Injured Party: LaDarius D. Brooks  
Date of Injury: March 6, 2000, approximately 2:30 p.m.  
Location of Incident: Venetian Hills Elementary School

Ladies and Gentlemen:

This letter will serve as notice that LaDarius D. Brooks ("Mr. Brooks"), a student at Venetian Hills Elementary School (the "School"), is making a claim for personal injuries sustained on March 6, 2000, at approximately 2:30 p.m., while Mr. Brooks was in class at the School. The injuries occurred when Warren Brown ("Mr. Brown"), another child in the extended day program, grabbed Mr. Brooks in a manner that caused Mr. Brooks' leg to break. At the time, Messrs. Brown and Brooks and the other students were not being properly supervised by Mr. Thornhill or any other School personnel. Moreover, after the incident, Mr. Thornhill, Ms. Whittle and other School personnel failed to call emergency medical personnel or otherwise obtain or provide proper medical assistance for Mr. Brooks, instead allowing him to endure the excruciating pain of his broken leg until, ultimately, he was taken home later that afternoon. Mr. Brooks' injuries were the direct and proximate result of negligent supervision and the failure to call emergency medical personnel or otherwise obtain or provide proper medical treatment. Mr. Brooks' injuries continue to cause him difficulty to this day, including without limitation causing him to walk with a limp and preventing him from engaging fully in sports and other activities.

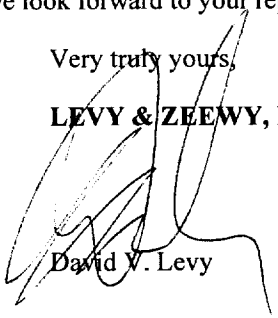
In addition to serving as notice of Mr. Brooks' claims, this will serve as a request pursuant to O.C.G.A. § 33-3-28 that you disclose to us, within thirty (30) days of your receipt hereof, the name of each known insurer that may be liable to Mr. Brooks in connection with his above-referenced claims, including without limitation insurers carrying excess or umbrella policies. Please note that you are required to amend your response to this request for insurance upon the discovery of facts inconsistent with or in addition to the information provided.

Hon. William Campbell, Mayor  
Dr. Beverly Hall, Superintendent  
August 23, 2000  
Page -2-

Thank you for your prompt attention to this matter and we look forward to your reply.

Very truly yours,

**LEVY & ZEEWY, LLC**



David V. Levy

cc: Ms. La'Tina Brooks

**CERTIFIED MAIL NO.**  
**7000-0600-0028-4283-7199**  
**RETURN RECEIPT REQUESTED**  
Atlanta Public Schools - Board of Education  
210 Pryor Street  
Atlanta, Georgia 30335  
Attn: Ms. Brenda Muhammad

**CERTIFIED MAIL NO.**  
**7000-0600-0028-4283-7182**  
**RETURN RECEIPT REQUESTED**  
Atlanta Public Schools - Board of Education  
210 Pryor Street  
Atlanta, Georgia 30335  
Attn: Dr. Mitzi Bickers

**CERTIFIED MAIL NO.**  
**7000-0600-0028-4283-7175**  
**RETURN RECEIPT REQUESTED**  
Atlanta Public Schools - Board of Education  
210 Pryor Street  
Atlanta, Georgia 30335  
Attn: Mr. Mike Holiman

**CERTIFIED MAIL NO.**  
**7000-0600-0028-4283-7168**  
**RETURN RECEIPT REQUESTED**  
Atlanta Public Schools - Board of Education  
210 Pryor Street  
Atlanta, Georgia 30335  
Attn: Dr. Anne Harper

**CERTIFIED MAIL NO.**  
**7000-0600-0028-4283-7151**  
**RETURN RECEIPT REQUESTED**  
Atlanta Public Schools - Board of Education  
210 Pryor Street  
Atlanta, Georgia 30335  
Attn: Ms. Jean Dodd

**CERTIFIED MAIL NO.**  
**7000-0600-0028-4283-7144**  
**RETURN RECEIPT REQUESTED**  
Atlanta Public Schools - Board of Education  
210 Pryor Street  
Atlanta, Georgia 30335  
Attn: Ms. Sadie Dennard

**CERTIFIED MAIL NO.**  
**7000-0600-0028-4283-7137**  
**RETURN RECEIPT REQUESTED**  
Atlanta Public Schools - Board of Education  
210 Pryor Street  
Atlanta, Georgia 30335  
Attn: Dr. Norman Johnson

**CERTIFIED MAIL NO.**  
**7000-0600-0028-4283-7120**  
**RETURN RECEIPT REQUESTED**  
Atlanta Public Schools - Board of Education  
210 Pryor Street  
Atlanta, Georgia 30335  
Attn: Mr. Aaron Watson

**CERTIFIED MAIL NO.**  
**7000-0600-0028-4283-7113**  
**RETURN RECEIPT REQUESTED**  
Atlanta Public Schools - Board of Education  
210 Pryor Street  
Atlanta, Georgia 30335  
Attn: Mr. Emmett Johnson

**00-R -1516**

RCS# 2255  
10/02/00  
1:44 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

RECONSIDER

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty	B Dorsey	Y Moore	Y Thomas	ITEM (S) REMOVED FROM CONSENT AGENDA
Y Starnes	Y Woolard	B Martin	Y Emmons	
Y Bond	Y Morris	Y Maddox	Y Alexander	
Y Winslow	Y Muller	Y Boazman	NV Pitts	

00-O-1390  
00-O-1567  
00-R-1480  
00-R-1571  
00-R-1574

CONSENT

COUNCIL PRESIDENT PROTEM DEBI STARNES PRESIDED.

RCS# 2286  
10/02/00  
4:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

RECONSIDERATION

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

SEE ATTACHED LISTING OF  
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ITEM (S) REMOVED FROM  
CONSENT AGENDA

00-O-1390  
00-O-1567  
00-R-1480  
00-R-1571  
00-R-1574

CONSENT

		10/02/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1393 2. 00-O-0758 3. 00-O-1341 4. 00-O-1453 5. 00-O-1326 6. 00-O-1327 7. 00-O-1328 8. 00-O-1329 9. 00-O-1301 10. 00-O-0263 11. 00-O-0979 12. 00-O-1311 13. 00-O-1418 14. 00-O-1566 15. 00-O-1417 16. 00-O-1114 17. 00-O-1561 18. 00-R-1486 19. 00-R-1490 20. 00-R-1524 21. 00-R-1525 22. 00-R-1572 23. 00-R-1483 24. 00-R-1484 25. 00-R-1552 26. 00-R-1310 27. 00-R-1466 28. 00-R-1467 29. 00-R-1469 30. 00-R-1563 31. 00-R-1549 32. 00-R-0977 33. 00-R-1297 34. 00-R-1495 35. 00-R-1461 36. 00-R-1464	37. 00-R-1470 38. 00-R-1471 39. 00-R-1472 40. 00-R-1476 41. 00-R-1477 42. 00-R-1481 43. 00-R-1497 44. 00-R-1498 45. 00-R-1499 46. 00-R-1500 47. 00-R-1501 48. 00-R-1502 49. 00-R-1503	50. 00-R-1504 51. 00-R-1505 52. 00-R-1506 53. 00-R-1507 54. 00-R-1508 55. 00-R-1509 56. 00-R-1510 57. 00-R-1511 58. 00-R-1512 59. 00-R-1513 60. 00-R-1514 61. 00-R-1515 62. 00-R-1516 63. 00-R-1517 64. 00-R-1518 65. 00-R-1519 66. 00-R-1520 67. 00-R-1521 68. 00-R-1522 69. 00-R-1523